

## 88

## ROLL CALL

Absent: Councilman - SCHAFFER

## PLEDGE

MINUTES

PUBLIC HEARINGS

Notice thereof having been published and posted in accordance with law, Mayor Kirsten called for the hearing on the proposed formation of the Gunsch-Edinger Street Lighting District. City Manager Graves explained that under the 1911 Improvement Act, proceedings had been initiated by the property owners who had presented a petition for the lights signed by owners of more than sixty percent of the front footage in the proposed district. The City Manager also reported that the City Clerk had received just prior to the meeting a petition protesting the formation of the district. He explained that the Clerk had not had sufficient time to verify the signatures on the petition to determine if there was a 50% protest. Councilman Brown then moved the hearing be continued to the next regular meeting. The motion was seconded by Councilman Hunnell and carried by unanimous vote.

There being no other persons in the audience wishing to speak on the matter, the public hearing was continued to the next regular meeting.

Mr. Joe Luce, 306 West Locust Street, addressed the Council and questioned why Police Chief Emil Keszler had been discharged by the City Manager. Mr. Jim Pinkerton,

Minutes of April 1, 1970 continued

916 Turner Road, also spoke concerning the discharge of the Police Chief and stated he felt the discharge was unfair.

Mayor Kirsten replied that the City Manager is primarily responsible for the administration of the City. He explained that the City Manager, upon investigation, had determined that the services of Mr. Keszler should be terminated and the Council agreed with the Manager's decision. The Mayor then asked the City Manager to answer any questions he felt he could appropriately answer in a public meeting.

City Manager Graves stated that he had had allegations presented to him concerning the Police Chief that required an investigation. Rather than use the local Police Department he had obtained a private investigator. He reported that as a result of the investigation, he had learned of conditions that existed in the Police Department which he had been unaware of. He cited such examples as lack of training, absence of staff meetings, the Chief's lack of leadership and his utilization of City personnel and equipment in a peculiar manner for his own personal activities. Mr. Graves stated that after obtaining the above information, he reached the conclusion that Mr. Keszler should not continue to function as the Chief of Police. He stated that the investigation was of a confidential nature but he would discuss the matter privately with any citizen who wished further information, but he conditioned this on the basis that the information would be received on a confidential basis.

City Attorney Mullen commented that he had been directly involved in the investigation of the Police Chief. He stated that the City Manager had acted in the best interests of the City of Lodi in discharging the Chief and that the Council had ratified his decision.

Mayor Kirsten then stated that with the knowledge the Council had concerning this matter, they had reached the conclusion that the Manager had been correct in his action and that the City Council had endorsed the discharge of the Police Chief.

HAM LANE

Mr. Gretsinger, 904 Turner Road, requested that Ham Lane be widened on the south side of Turner Road across from the Lakewood School. The City Manager reported this project had been included in the Capital Improvement Budget.

#### COMMUNICATIONS

ABC LICENSE

A notice of application for alcoholic beverage license was received from Beverly J. and Robert M. O'Connell, Lakewood U-Save Liquors, 215 Lakewood Mall, person-to-person transfer, off-sale general.

Minutes of April 1, 1970 continued

APPEAL -  
DAIRY QUEEN  
DRIVE-IN

A letter was read from Mr. Thurman Sears, owner of the Dairy Queen Drive-In, appealing the Planning Commission's decision in denying his request to allow an existing revolving sign to continue rotating after May 31, 1973 at 701 South Cherokee Lane. On motion of Councilman Brown, Culbertson second, the matter was set for public hearing at the next regular meeting.

Mayor Kirsten then suggested the next regular meeting be held on April 21, since the Council would be meeting in a statutory meeting on that date. Councilman Culbertson then moved that the next regular meeting be held in conjunction with the statutory meeting on April 21, 1970. The motion was seconded by Councilman Hunnell and carried by unanimous vote.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$316,850.20 were approved on motion of Councilman Culbertson, Hunnell second.

AWARD -  
LAKE PARK  
CONCESSIONS

The City Manager presented bids for the Lake Park Concessions as follows:

RES. NO. 3368

Coca-Cola Bottling Company	33% of gross receipts
Pepsi-Cola Bottling Company	34% of gross receipts

The City Manager reported that the Recreation and Parks Director had recommended the award be made to the Pepsi-Cola Bottling Company. On motion of Councilman Brown, Hunnell second, the Council adopted Resolution No. 3368 awarding the concessions at the Lodi Lake Park to the Pepsi-Cola Bottling Company for the amount of the bid.

LODI COMMUNITY  
HOSPITAL REQUEST  
SEWER SERVICE

The City Manager stated that the Lodi Community Hospital wished to present a request to the City Council for City sewer service to be extended to the hospital, which is outside the City limits.

Mr. Harry Roby, Administrator, Lodi Community Hospital, read a letter requesting permission for the hospital to connect to the City sewer system.

Public Works Director Jones explained that the trunk line necessary for connection of the hospital to the City sewer system was not complete. He stated that the line had been budgeted in the Capital Improvement Program but it could not be extended until the Federal grant for the sewage treatment plant is complete. He also stated the hospital would be expected to pay any additional costs incurred as a result of connecting the facility to the City's sewer system.

Dr. Willard Fessler, 804 Lodi Avenue, and Dr. Walter Howen, 315 North California, spoke requesting the City to grant the request of the hospital.

Minutes of April 1, 1970 continued

After discussion by the Council, Councilman Brown moved that the Lodi Community Hospital be granted its request to connect to the City's sewer system when the line is installed and operational, with the following conditions:

1. Lodi Community Hospital to pay all additional costs for connecting to the City sewer system; and
2. furnish the City with a letter stating that the hospital will not object to annexation of the property at such time as the City deems such annexation feasible and desirable.

The motion was seconded by Councilman Hunnell and carried by unanimous vote. The Council agreed that this was a unique request and the granting of said request did not establish a precedent in any other area; all future requests would be reviewed on their own merit.

P.G. & E.  
POWER  
CONTRACT  
APPROVED

On motion of Councilman Culbertson, Brown second, the Council approved the contract covering the sale of electric power and energy by the Pacific Gas and Electric Company to the City of Lodi and authorized the Mayor to sign same on behalf of the City.

LEGISLATION -  
FORAN BILL

Councilman Culbertson explained that the Foran Bill, which is a constitutional amendment, would provide that a portion of gas tax funds could be used for rapid transit by local governments, and the State could use a portion of the funds for pollution control. He stated that the Board of Directors of the League of California Cities had endorsed the bill. After discussion, Councilman Culbertson moved the Council endorse in concept the Assembly Constitutional Amendment and its accompanying bill AB729. The motion was seconded by Councilman Hunnell and carried with Councilman Brown voting no.

ELIMINATE  
CLOUD OF  
CONGRESSIONAL  
GRANT

RES. NO. 3367

On recommendation of City Attorney Mullen, the City Council, by motion of Councilman Hunnell, Culbertson second, adopted Resolution No. 3367 urging the Congress of the United States to adopt HR 12960, being a Bill to validate the conveyance of certain parcels of land from the Southern Pacific Company to various individuals.

LOADING ZONE-  
LONGS' DRUGS

RES. NO. 3369

The City Manager presented the recommendation of the Public Works Director concerning the request of Longs' Drug Store for an off-street loading zone on South School adjacent to their new store. The Public Works Director recommended that the City Council approve a 42-foot loading zone and a 12-foot no parking zone on the west side of School Street immediately north of Chestnut Street. On motion of Councilman Culbertson, Hunnell second, the Council adopted Resolution No. 3369 establishing a loading and no parking zone as recommended by the Public Works Director.

Minutes of April 1, 1970 continued

AMEND  
PERSONNEL  
RULES

RES. NO. 3370  
RES. NO. 3371  
RES. NO. 3372  
RES. NO. 3373

On motion of Councilman Hunnell, Brown second, the Council adopted Resolution No. 3370 amending Rule IX, Section 2 of "Rules for Personnel Administration" concerning overtime compensation.

On motion of Councilman Culbertson, Brown second, the Council adopted Resolution No. 3371 amending Rule IX, Section 6 of "Rules for Personnel Administration" concerning holidays.

On motion of Councilman Brown, Hunnell second, the Council adopted Resolution No. 3372 amending Rule IX, Section 3 of "Rules for Personnel Administration" concerning leave without pay.

On motion of Councilman Culbertson, Hunnell second, the Council adopted Resolution No. 3373 amending Rule XI, Section 5 and Rule IX, Section 7 of "Rules for Personnel Administration" concerning procedures for demotion and lay-off.

ORDINANCES

ADOPT SPECIFIC  
PLAN FOR  
S. HAM LANE

ORD. NO. 927  
ADOPTED

ORDINANCE NO. 927, entitled, "AN ORDINANCE ADOPTING A SPECIFIC PLAN FOR SOUTH HAM LANE BETWEEN KETTLEMAN LANE AND HARNEY LANE," having been introduced at the meeting of March 18, 1970, was brought up for passage on motion of Councilman Brown, Hunnell second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Brown, Culbertson, Hunnell  
and Kirsten

Noes: Councilmen - None

Absent: Councilmen - Schaffer

ADOPT SPECIFIC  
PLAN FOR  
CENTURY BLVD

ORD. NO. 928  
ADOPTED

ORDINANCE NO. 928, entitled, "AN ORDINANCE ADOPTING A SPECIFIC PLAN FOR CENTURY BOULEVARD BETWEEN LOWER SACRAMENTO ROAD AND CHEROKEE LANE," having been introduced at the meeting of March 18, 1970, was brought up for passage on motion of Councilman Hunnell, Brown second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Brown, Culbertson, Hunnell  
and Kirsten

Noes: Councilmen - None

Absent: Councilmen - Schaffer

Minutes of April 1, 1970 continued

AMEND PERS  
CONTRACT

ORD. NO. 929  
ADOPTED

ORDINANCE NO. 929, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF LODI AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM," having been brought up for passage on motion of Councilman Brown, Hunnell second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Brown, Culbertson, Hunnell  
and Kirsten

Noes: Councilmen - None


Absent: Councilmen - Schaffer

DOG PROGRAM  
POLICE DEPT.

Councilman Hunnell requested a report and recommendation on the use of dogs in the Police Department at the next regular meeting.

#### ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at approximately 9:55 p.m.

Attest:   
BESSIE L. BENNETT  
City Clerk